

**REMARKS**

Claims 25-28 are pending. Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

**I. REJECTION OF CLAIMS 25-26 UNDER 35 U.S.C. § 102(e)**

Claims 25-26 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,509,606 (Merrill et al.). Withdrawal of the rejection is respectfully requested for at least the following reason.

Claims 25-26 are patentable over Merrill et al. because Merrill et al. is not available prior art under Section 102(e). Applicants' application claims priority back to December 21, 1995, while Merrill et al. was filed on April 1, 1998. Because applicants' application has an earlier effective filing date than the cited reference, Merrill et al. is unavailable, thereby rendering moot the issue of whether it teaches one or more features of the invention. Accordingly, withdrawal of the rejection is respectfully requested.

**II. REJECTION OF CLAIMS 27-28 UNDER 35 U.S.C. § 103(a)**

Claims 27-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Merrill et al. in view of either U.S. Patent No. 5,976,956 (Gardner et al.) or U.S. Patent No. 6,052,304 (Chritz). Withdrawal of the rejection is respectfully requested for at least the following reason.

Claims 27-28 are patentable over the cited combination because, as highlighted above, Merrill et al. is not available prior art. In addition, neither of the secondary references are available prior art. For example, Gardner et al. was filed April 11, 1997, and Chritz was filed on June 18, 1998. The applicants' effective filing date for the present application is December 21, 1995. Because applicants' application has an earlier effective filing date than the cited references, the cited art is unavailable, thereby rendering moot the issue of whether the combination thereof teaches one or more

features of the invention. Accordingly, withdrawal of the rejection is respectfully requested.

III. CONCLUSION

For at least the above reasons, the claims currently under consideration are believed to be in condition for allowance.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 20-0668, TI-20142.2.

Respectfully submitted,  
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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: September 21, 2005

  
Christine Gillroy